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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,515

02/05/2004

Shuji Hayashi

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EXAMINER

QUIETT, CARRAMAH J

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/772,515	Applicant(s) SHUJI HAYASHI	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS), filed on 02/02/2004, has been placed in the application file, and the information referred to therein has been considered as to the merits.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Sarbadhikari et al. (U.S. Pat. #5,477,264).

For **claim 1**, Sarbadhikari discloses an electronic camera (fig. 2), comprising:

an imaging unit (A) for converting an optical image to image information (col. 5, line 55

– col. 25);

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a storing unit (24) for storing information on a frame image ( pre-existing overlay image) for printing (col. 6, lines 26-66; col. 9, line 51 – col. 10, line 23); and

an imaging condition modification unit (A/B) for modifying imaging conditions in said imaging unit on the basis of the information on the frame image stored in said storing unit (col. 6, lines 26-66; col. 9, lines 2-27).

For **claim 2**, Sarbadhikari discloses the electronic camera, wherein the modification of the imaging conditions includes *at least one of*\* modifications of a photometric condition setting, a photometric area setting, a setting of adjusted exposure amount, a camera sensitivity setting, an exposure condition setting, a change of whether to emit a flash light, a ranging area setting, a focus detection frequency setting, a change of whether to use an image stabilizer, a scene mode setting, a field angle setting, and an image magnification setting (col. 7, lines 15-50).

For **claim 3**, Sarbadhikari discloses the electronic camera, wherein said storing unit stores information of a plurality of frame images and has a selection unit for selecting the information on the plurality of frame images prior to the imaging (col. 9, lines 2-27).

For **claim 4**, Sarbadhikari discloses the electronic camera, wherein said storing unit stores the selected information on the frame image in association with the image information obtained by said imaging unit (col. 9, lines 2-27).

For **claim 5**, Sarbadhikari discloses the electronic camera, further comprising a display (30) for displaying the information on the frame images (col. 7, lines 15-50).

For **claim 6**, Sarbadhikari discloses an electronic camera (fig. 2), comprising:

an imaging unit (A) for converting an optical image to image information (col. 5, line 55 – col. 25);

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a storing unit (24) for storing information on a frame image ( pre-existing overlay image) for printing (col. 6, lines 26-66; col. 9, line 51 – col. 10, line 23); and

an image processor (18, 20, 22 and 28) for performing image processing of image information (col. 6, lines 11-52); and

processing condition modification unit (A/B) for modifying processing conditions of the image information obtained by the imaging unit on the basis of the information on the frame image stored in said storing unit (col. 6, lines 26-66; col. 9, lines 2-27).

For **claim 7**, Sarbadhikari discloses the electronic camera wherein the modification of the processing conditions includes *at least one of\** modifications of a setting of an adjusted exposure amount, a post photometric area setting, a post auto white balance area setting, a post colorimetric area setting, a gray level correction condition setting, an edge enhancement condition setting, and a data compression ratio setting (col. 7, lines 15-50).

For **claim 8**, Sarbadhikari discloses the electronic camera wherein said storing unit stores information on a plurality of frame images and has a selecting unit for a selecting the information on the plurality of frame images before the imaging (col. 9, lines 2-27).

**Claims 9 and 10** are apparatus claims corresponding to apparatus claims 4 and 5, respectively. Therefore, apparatus claims 9 and 10 are analyzed and rejected as previously discussed with respect to claims 4 and 5, respectively.

**\*Note:** The U.S. Patent and Trademark Office considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takagi (U.S. Pat. #5,486,893)

A camera has a predicted image display device in which image signals are based on different kinds and control values are stored.

Hoyt et al. (U.S. Pat. #6,085,195)

A computer program product for an interactive public kiosk.

Moghadam et al. (U.S. Pat. #5,913,088)

A photographic system includes photographic film having a photographic image and digital information stored.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ

March 17, 2007



NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER